

BARNES & THORNBURG LLP

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(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Customer No.</i>	23643	}
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<i>Group:</i>	3781	}
		}
<i>Confirmation No.:</i>	9693	}
		}
<i>Application No.:</i>	10/576,337	}
		}
<i>Invention:</i>	AN ARTICLE OF LUGGAGE	}
		}
<i>Inventor:</i>	Sedat Selvi	}
		}
<i>Filed:</i>	March 14, 2007	}
		}
<i>Attorney</i>		}
<i>Docket:</i>	38566-79926	}
		}
<i>Examiner:</i>	Mai, Tri M.	}

DECLARATION UNDER 37 CFR 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I declare as follows:

1. I have fifteen (15) years of experience in the luggage industry. I have been employed by Landor & Hawa International Limited, the assignee of the captioned patent application, for ten (10) years. Currently, I am Director of Landor & Hawa International Limited and have held this for the last seven (7) years. Prior to becoming Director, I was General Manager for three (3) years. As Director, I am responsible for the sales of the luggage products of Landor & Hawa International Limited in the U.S., through Landor & Hawa U.S.A., Inc. which is a subsidiary of Landor & Hawa International Limited (collectively referred to herein as

“Landor & Hawa”), as well as being responsible for the sales of luggage products in all other countries throughout the world. I have a Degree in Computer Science and Statistics from the University of Strathclyde.

2. I am familiar with the captioned application for patent filed in the United States March 14, 2007. I understand that the Examiner has rejected claims 1, 26, 29, 30, 31, 32, 34 and 35 of the application under 35 U.S.C. §103(a) as being unpatentable over Hsieh (U.S. 20050056511 A1) in combination with other references. Hsieh was published on March 17, 2005 and was filed on September 16, 2003.

3. The invention described and claimed in at least claim 1 of the captioned application was conceived in the United Kingdom, a WTO member country, prior to September 16, 2003.

4. Exhibit A is a copy of design drawings of the subject matter of the captioned application. The date that the drawings were created is shown on each drawing in Exhibit A, but the dates have been redacted. The redacted date on each of the drawings is earlier than September 16, 2003. Comparing claim 1 of the present application to the Exhibit A drawing, support for the claim 1 limitations can be found or seen as follows:

Claim 1 Language	Exhibit A Disclosure
A soft suitcase including shaped lid and base forming sections,	See the “Perspective View” of the third sheet of Exhibit A which shows the lid forming section in gray and the base forming section in lavender.
wherein both the lid and base forming sections are moulded as one-piece tray like forms	See the color key for the “Perspective View” of the third sheet of Exhibit A which states “ Moulded Back Panel ” and “ Moulded Front Panel .” See the Back, Side, and Front Views of Exhibit A which shows that the lid and base forming sections are one-piece tray like forms.

and are both shape wise such that the soft suitcase has no internal/external perimeter framing around the entire periphery of the lid and base forming sections and has no reinforcing side, base and back panels so that the soft suitcase is not of box construction,	See the "Description" in the upper left hand corner of the first and second pages of Exhibit A which state "EVA Back Panel for ALL EVA construction trolley." See the "Description" in the upper left hand corner of the third page of Exhibit A which states "FRAMELESS EVA Trolley Case."
wherein the lid and base forming sections are hinged connected together by a zip fastener arrangement that provides both an opening and closing facility for the suitcase and additionally selective expansion of a storage volume of the suitcase,	See the "MAIN SECTION ZIPPER" and the "EXPANDER ZIPPER" in the "VIEW SHOWING BASE ASSEMBLY" in the lower right hand portion of the third page of Exhibit A.
wherein a pair of wheels is provided at one end of the base forming section, there being one such wheel for each corner of said end,	See the "CORNER WHEELS" in the "VIEW SHOWING BASE ASSEMBLY" in the lower right hand portion of the third page of Exhibit A.
wherein both the lid and base forming sections comprise foamed plastics material.	See the reference to "EVA" in the "Description" in the upper left hand corner of the three pages of Exhibit A. EVA is a known foamed plastics material.

5. An actual reduction to practice of the invention of the above captioned application was diligently developed after the original conception of the invention. However, for purposes of antedating the Hsieh reference a constructive reduction to practice is relied upon via the filing of British Patent Application No. 0324487.8.

6. Exhibit B is a copy of British Patent Application No. 0324487.8 which is the earliest application to which the captioned application claims priority. British Patent Application

No. 0324487.8 was prepared and filed with due diligence after the conception of the invention. British Patent Application No. 0324487.8 was filed October 21, 2003.

7. Figs. 2 and 3 of British Patent Application No. 0324487.8 are copies of two of the images included in the drawings of Exhibit A.

8. Figs. 4 and 5 of British Patent Application No. 0324487.8 are copies of digital photographs of an actual reduction to practice of the invention claimed in the captioned application.

9. Accordingly, the claimed invention of at least claim 1 was conceived in a WTO member country prior to September 16, 2003 and was constructively reduced to practice with due diligence thereafter via the filing of British Patent Application No. 0324487.8. Comparing claim 1 of the present application to British Patent Application No. 0324487.8, support for the claim 1 limitations can be found or seen as follows:

Claim 1 Language	Disclosure in British Patent Application No. 0324487.8 of Exhibit B
A soft suitcase including shaped lid and base forming sections,	See the sentence at page 4, lines 1-4 which states, "Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2 respectively of a tray like form moulded from a foamed plastics material known under the trade name EVA."
wherein both the lid and base forming sections are moulded as one-piece tray like forms	See the sentence at page 4, lines 1-4 which states, "Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2

	respectively of a tray like form moulded from a foamed plastics material known under the trade name EVA.”
and are both shape wise such that the soft suitcase has no internal/external perimeter framing around the entire periphery of the lid and base forming sections and has no reinforcing side, base and back panels so that the soft suitcase is not of box construction,	<p>See the discussion at page 2, lines 4-11 which states the following:</p> <p>“Whilst the provision of an internal framework is a standard/common feature of ‘soft’ case construction it is known to avoid using the framework extending around the internal periphery of a ‘soft’ case and to provide instead plastics material i.e., P.E. side panels together with P.E. material base and back panels. These particular cases have become known as ‘Box’ construction or side panel cases.</p> <p>It is an object of the invention to eliminate such frames and the need for such reinforcement arrangements.”</p>
wherein the lid and base forming sections are hinged connected together by a zip fastener arrangement that provides both an opening and closing facility for the suitcase and additionally selective expansion of a storage volume of the suitcase,	<p>See the sentence at page 3, lines 11-13 which states, “Preferably the two moulded sections are connected together by a zip fastener arrangement adapted for enabling the hinging of the two sections with respect to each other and to provide opening and closing facility to the case.” See the sentence at page 5, lines 23-25 which states, “The function of the secondary Zip fastener is to provide for expansion of the available volume of the suitcase by providing a gusset between the main and secondary Zip fasteners.”</p>

wherein a pair of wheels is provided at one end of the base forming section, there being one such wheel for each corner of said end,	See "CORNER WHEELS" 22 in Fig. 3.
wherein both the lid and base forming sections comprise foamed plastics material.	See the sentence at page 4, lines 1-4 which states, "Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2 respectively of a tray like form moulded from a foamed plastics material known under the trade name EVA."

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon.

Dated:

24/4/2006

By:

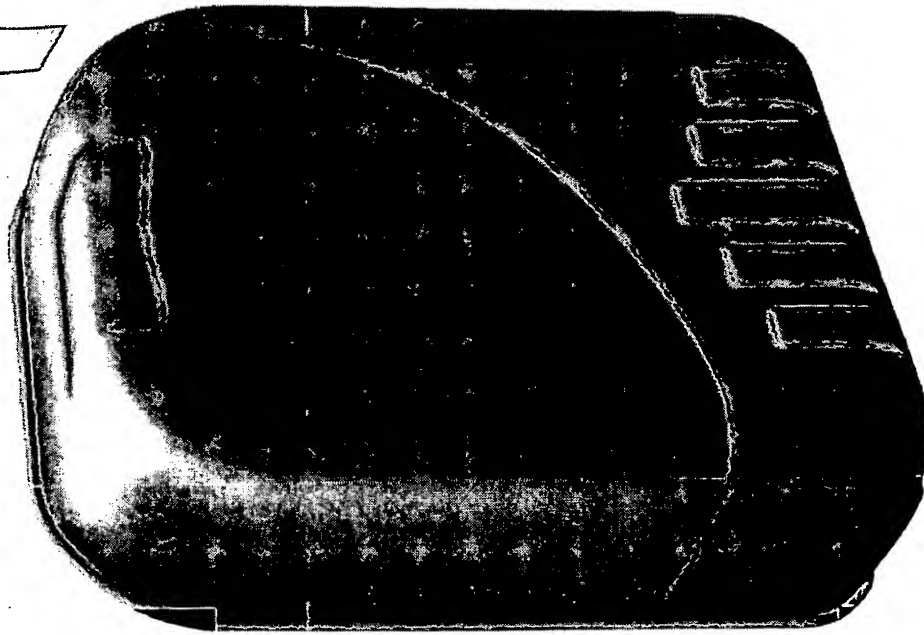
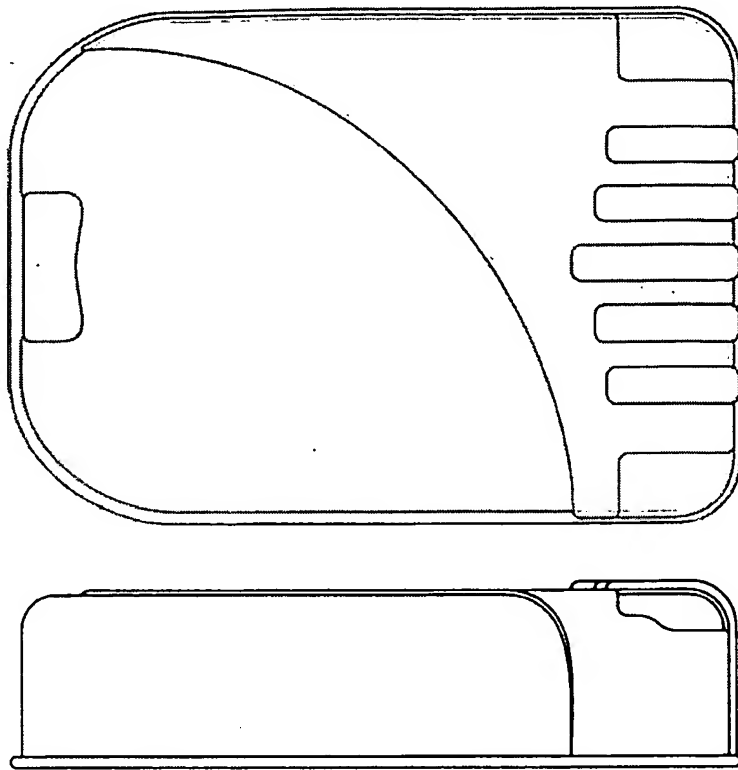


Paul Richardson
Director
of Landor & Hawa International Limited

EXHIBIT A

LANDOR & HAWA INTERNATIONAL LIMITED		DESIGN DATE
RANGE NAME:	STYLE NO:	EVA/PNL/68
DESCRIPTION: EVA Back Panel for ALL EVA construction trolley		
<p>THIS DRAWING IS A CONFIDENTIAL EXCLUSIVE AND IS NOT TO BE COMMUNICATED TO ANY THIRD PARTY WITHOUT EXPRESS WRITTEN CONSENT FROM LANDOR & HAWA INTERNATIONAL LIMITED.</p> <p>LANDOR & HAWA INTERNATIONAL RESERVE THEIR RIGHTS UNDER THE PROVISIONS OF THE COPYRIGHT ACT IN RESPECT OF ANY MISUSE OF THIS PROPERTY</p>		

"U"-SHAPED METAL FRAME UNDER TOP PANEL (UNDER LINING)



LANDOR & HAWA INTERNATIONAL LIMITED

DESIGN DATE: -

RANGE NAME:

STYLE NO: EVA/PNL/08

DESCRIPTION: EVA Back Panel for ALL EVA construction trolley

THIS DRAWING IS A CONFIDENTIAL ENGINEERING AND IS NOT TO BE CONSIDERED A COMMITMENT BY ANY THIRD PARTY WITHOUT THE WRITTEN CONSENT OF LANDOR & HAWA INTERNATIONAL LIMITED.

LANDOR & HAWA INTERNATIONAL RESERVE THEIR RIGHTS UNDER THE PROVISIONS OF THE COPYRIGHT, PATENTS, AND TRADE MARKS ACT IN RESPECT OF ANY MISUSE OF THIS PROPERTY

REVISIONS FOLLOWING SAMPLE

Detail showing view from directly above corner of panel

Technical drawing of a panel corner showing dimensions and features. The drawing includes a 70mm dimension for the top edge, a 24mm dimension for the side edge, a 24mm dimension for the bottom edge, a 12mm dimension for the corner radius, and a 45mm dimension for the corner radius. The drawing also shows a 'Back of panel' label and a 'Piping' label. The corner is marked with a circled 'X' and a circled 'Y'.

Back of panel

Piping

Raised areas - five on each corner

Raised area to be embossed by 5mm at point (X)

Raised area to be level with main moulding at point (Y)

- * ADDITIONAL MOULDINGS TO BE APPLIED TO ALL FOUR CORNERS OF PANEL
- * DIMENSIONS SHOWN ARE FOR 30" CASE (AS PER SAMPLE). SCALE TO FIT OTHER SIZES

Extra molded features (on all four corners) - See detail

Photograph of the EVA Back Panel for ALL EVA construction trolley. The panel is dark and textured, with a curved shape. A dashed line points to the corner of the panel, indicating the location of the extra molded features.

LANDOR & HAWA INTERNATIONAL LIMITED

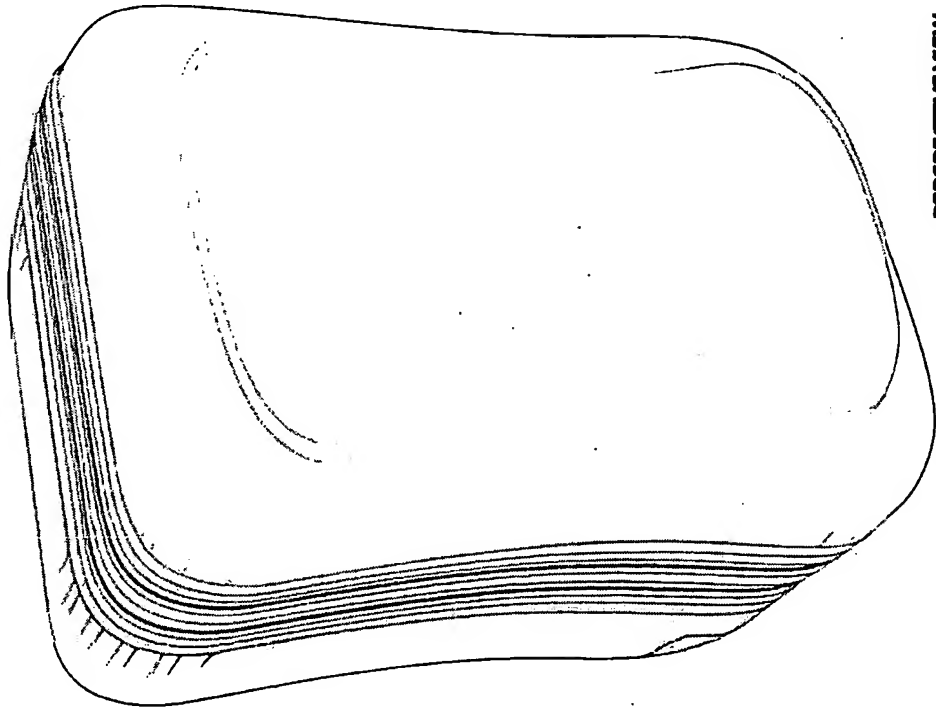
DESIGN DATE

RANGE NAME: n/a

STYLE NO: 8288

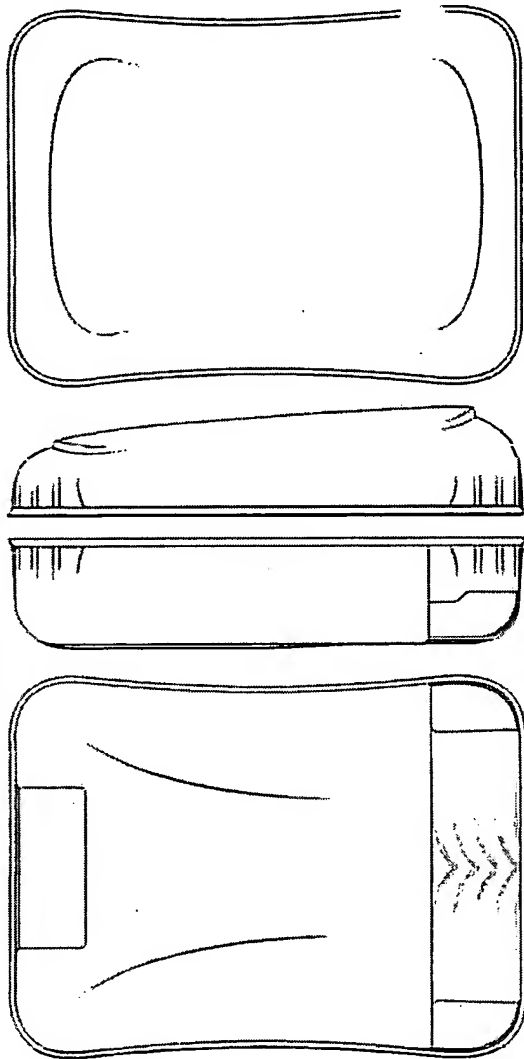
DESCRIPTION: FRAMELESS EVA Trolley Case

THIS DRAWING IS A CONFIDENTIAL DISCLOSURE AND IS NOT TO BE COMMUNICATED TO ANY THIRD PARTY WITHOUT PRIOR WRITTEN CONSENT FROM LANDOR & HAWA INTERNATIONAL LIMITED. LANDOR & HAWA INTERNATIONAL RESERVE THEIR RIGHTS UNDER THE PROVISIONS OF THE COPYRIGHT, DESIGN AND PATENT ACT IN RESPECT OF ANY MISUSE OF THIS PROPERTY.



PERSPECTIVE VIEW

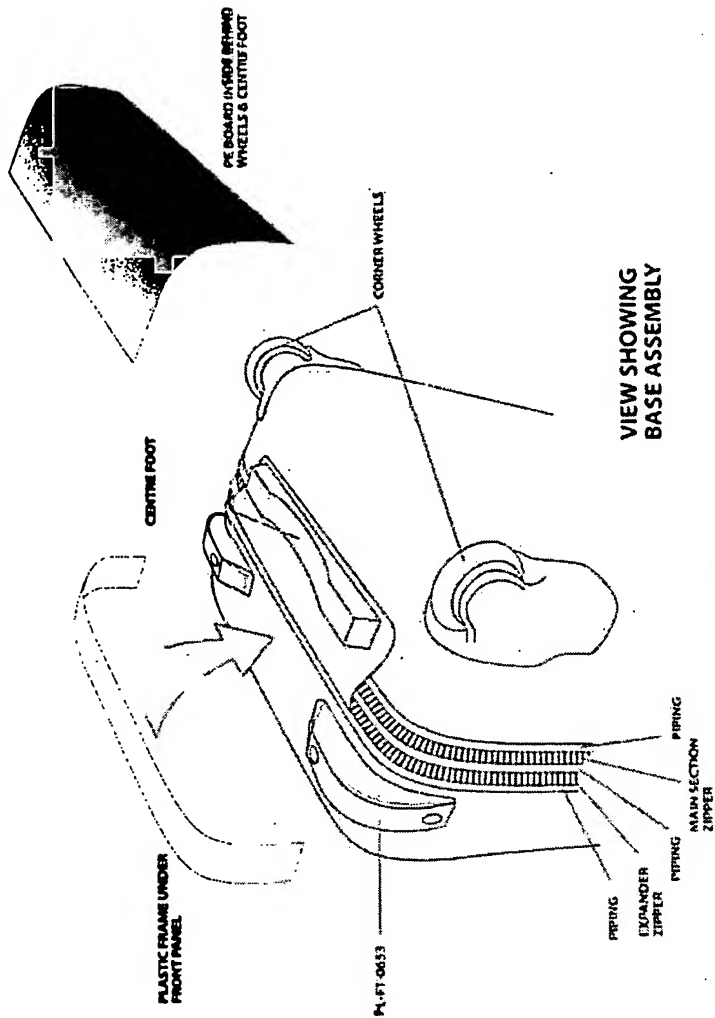
- ☐ Moulded Back Panel
- ☐ Moulded Front Panel



BACK VIEW

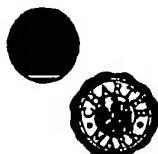
SIDE VIEW

FRONT VIEW



VIEW SHOWING
BASE ASSEMBLY

EXHIBIT B



PCT/GB 2004 / 0 0 4 4 2 5

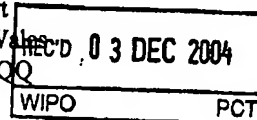


INVESTOR IN PEOPLE

PRIORITY DOCUMENT

SUBMITTED OR TRANSMITTED IN
COMPLIANCE WITH RULE 17.1(a) OR (b)

The Patent Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

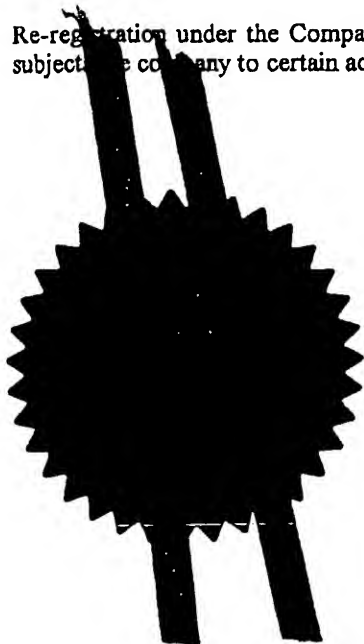


I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.

Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.



Signed

Dated 26 October 2004

An Executive Agency of the Department of Trade and Industry

THE PATENT OFFICE
SN
Office

21 OCT 2003

NEWPORT

21OCT03 EP44015-1 D01682
P01/7700 0.00-0324487.8

Request for grant of a patent

(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form)

The Patent Office

Cardiff Road
Newport
Gwent NP23 1RH

21 OCT 2003

1. Your reference

Lander Soft case

2. Patent application number

(The Patent Office will fill in this part)

0324487.8

3. Full name, address and postcode of the or of each applicant (underline all surnames)

Lander & Hava International Limited;
Riverside House,
River Way,
Harlow,
Essex
CM20 2DW

Patents ADP number (if you know it)

If the applicant is a corporate body, give the country/state of its incorporation

British Body Corporate

8662561001

4. Title of the invention

SUITCASE

5. Name of your agent (if you have one)

"Address for service" in the United Kingdom to which all correspondence should be sent (including the postcode)

Patrick Russell-Rayner,
Business Centre West,
Avenue One,
Business Park,
Letchworth Garden City,
Hertfordshire
SG6 2HB

Patents ADP number (if you know it)

6692001

6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number

Country

Priority application number
(if you know it)

Date of filing
(day / month / year)

7. If this application is divided or otherwise derived from an earlier UK application, give the number and the filing date of the earlier application

Number of earlier application

Date of filing
(day / month / year)

8. Is a statement of inventorship and of right to grant of a patent required in support of this request? (Answer 'Yes' if:

Yes

- a) any applicant named in part 3 is not an inventor, or
 - b) there is an inventor who is not named as an applicant, or
 - c) any named applicant is a corporate body.
- See note (d))

Patents Form 1/77

9. Enter the number of sheets for any of the following items you are filing with this form. Do not count copies of the same document

Continuation sheets of this form	NONE
Description	SEVEN
Claim(s)	NONE
Abstract	NONE
Drawing(s)	FIVE + 5 SN

10. If you are also filing any of the following, state how many against each item.

Priority documents

Translations of priority documents

Statement of inventorship and right to grant of a patent (Patents Form 7/77)

Request for preliminary examination and search (Patents Form 9/77)

Request for substantive examination (Patents Form 10/77)

Any other documents (please specify)

11.

/We request the grant of a patent on the basis of this application.

Signature

Date

P. Russell-Rayner 25/10/2007

12. Name and daytime telephone number of person to contact in the United Kingdom

Pat Russell-Rayner 01462 672538

Warning

After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you live in the United Kingdom, Section 23 of the Patents Act 1977 stops you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.

SUITCASE

This invention relates to the construction of luggage such as suitcases and/or trolley cases for use by travellers.

Such cases, can conveniently be considered as comprising two major types, the first the so-called soft case and the second the so-called hard or non-soft case.

Many constructions of such cases for use by travellers are known. These known constructions of both 'hard' and 'soft' cases are of varied form and not infrequently include carrying handle arrangements and at least a pair of wheels/rolls for facilitating the movement of the case by a user.

In addition, it is also known to provide cases incorporating a towing handle structure which is usually moveable between a user case towing position and a retracted stowage position.

The above mentioned 'hard' cases are regarded as being hard in the sense that the walls, top and bottom cannot be pierced by a blade or needle as is possible with soft case constructions.

Conventionally the so-called 'hard' cases incorporate a metal or plastics framework extending all round the internal perimeter of the case in such position as to provide structural strength to the case. Such frameworks can involve internal tongue and groove arrangements. In practice, in addition to such a framework known cases incorporate reinforcements at the top, base and corner sections. Such reinforcements can be formed from plywood, or P. E. Board

The 'soft' case conventionally incorporates an internal framework of metal or appropriate plastics material extending around the total periphery of the associated case top and base/bottom sections which provides the means whereby the visual appearance of the case is obtained and also serves to support a

soft outer covering. In addition, plywood or plastics material such as P. E. board re-enforcement at the case top, base, and corner sections may be incorporated.

5 Whilst the provision of an internal framework is a standard/common feature of 'soft' case construction it is known to avoid using the framework extending around the internal periphery of a 'soft' case and to provide instead plastics material i.e., P. E. side panels together with P. E. material base and back panels. These particular cases have become known as 'Box' construction or side panel cases.

10 It is an object of the invention to eliminate such frames and the need for such re-enforcement arrangements

Broadly, according to a first aspect of the invention there is provided a 'soft' case including lid and base forming sections of such construction as to be shape wise self supporting in the absence of a perimeter frame side, base or back panels..

15 Broadly, according to a further aspect of the invention there is provided a 'soft' case including lid and base forming sections of such moulded construction as to be shape wise self supporting in the absence of a perimeter frame side, base or back panels.

20 Preferably, also the construction of the 'soft' case eliminates the use of corner supports and/or side panel forming boards.

According to a further aspect of the invention a case construction incorporates a moulded lid forming section, a moulded base forming section with both said sections being moulded from a foamed plastics material such that the sections incorporate corrugations/recesses so positioned as to enhance rigidity of the mouldings.

Preferably the lid and base sections are moulded from a foamed plastics material such as are known under the trade name of EVA and expanded PVC

Preferably the moulded lid and base sections are externally covered by a fabric material shaped to conform closely to the external form of the lid and base sections.

Preferably the two moulded sections are connected together by a zip fastener arrangement adapted for enabling the hinging of the two sections with respect to each other and to provide opening and closing facility to the case.

For a better understanding of the invention and to show how to carry the same into effect reference will now be made to the accompanying drawings in which:-

Figure 1 illustrates a general oblique view of a case incorporating the concepts of the invention;

Figure 2 illustrates the form of a moulding serving as the base section of a case;

Figure 3 is a schematic fragmentary view illustrating details of the structure of the case incorporating the concepts of the invention.; and

Figures 4 and 5 illustrate part cut away views of the case of Figures 1 to 3, and in particular the construction of a towing handle facility.

Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2 respectively of a tray like form moulded from a foamed plastics material known under the trade name of EVA. The sections 1 and 2 are externally covered by a fabric material shaped to conform closely to the external form of the lid and base sections.

The two sections are secured one to the other by a Zip fastener configuration 3 that provides a conventional Zip fastener type closure facility to the case.

As mentioned each such lid and base section is formed by moulding the sections from a foamed plastics material known by the trade nomenclature (EVA/PNL/68)

To provide enhanced physical shape retaining physical strength to the surfaces of the moulded lid and base sections 1 and 2 the latter are provided with corrugations/recesses 4 at the corner regions 5 of the rims 6 of the associated section. In addition, the larger faces 7 of the mouldings are provided with a number of raised/recessed regions 8 at appropriate positions as to provide a suitable degree of stiffness to the mouldings without departing unnecessarily from the 'soft' characteristics of the overall construction

Figure 2 illustrates one such arrangement of the profiling. In the Figure the aforesaid rim corner corrugations are illustrated at 8 whilst the main surface corrugations/profiling are indicated at 9.

In addition to the profiling so far mentioned a further indentation 10 is provided at

with a profiled indentation 15 defining in the moulding of the base section the location of suitcase handling wheels assemblies (not shown in Figures 1 and 2).

Referring now to Figure 3 this Figure very schematically illustrates the structure of the suitcase at said other end 14 of the sections 1 and 2.

5 As shown the Zip fastener arrangement 3 includes a main Zip fastener 15 that includes a first zipping portion 16 connected with the lid section 1 extending substantially around the total perimeter of the lid section and a second zipping portion 17 that is effectively connected to the base section by way of a first
10 20 connected with and extending substantially around the total perimeter of the base section 2 between the hinging region (to be discussed herein after) of the lid and base sections.. The effective length of both the main Zip fastener is such as to allow total closure of the Zip fastener for closing the suitcase.

Piping 21 is provided in the join between the zip fastener portion 16 and the lid
15 section 1, between the zipping portion 17 and the zipping portion 18, and between the zipping portion 20 and the base section 2.

This piping 21 is such as to provide stiffness to the operational runs of the associated Zip fasteners 15 and 19 and thus to the composite Zip fastener arrangement 3. If desired this piping can be stiffened by an internally provided
20 wire extending lengthways of the piping.

The interior of the suitcase is provided with a lining that covers in the structural features of the case.

The function of the secondary Zip fastener is to provide for expansion of the available volume of the suitcase by providing a gusset between the main and
25 secondary Zip fasteners.

The Figure 3 schematically illustrates handling wheel assemblies 22. These wheel assemblies are fitted into openings provided in the corners of the case at the locations defined by the above mentioned corner recesses. If desired the mounting of the wheel assemblies 22 to the base section 2 can incorporate in their
5 mounting to the base section corner pieces (not shown) that serve to stiffen the mounting of the assemblies. Furthermore if desired a bracing strip (not shown) may be provided between the two wheel assemblies to enhance lateral stiffness between the wheel assemblies.

10 In order to facilitate the stability of the suitcase when resting upright on the ground the suitcase is provided with feet 23 at the appropriate corners of the lid section and a centrally located foot 24 on the base section as shown. As will be appreciated the arrangement of the feet prevents contact of the body of the case with the ground thereby assisting in protecting the appearance of the suitcase when in use.

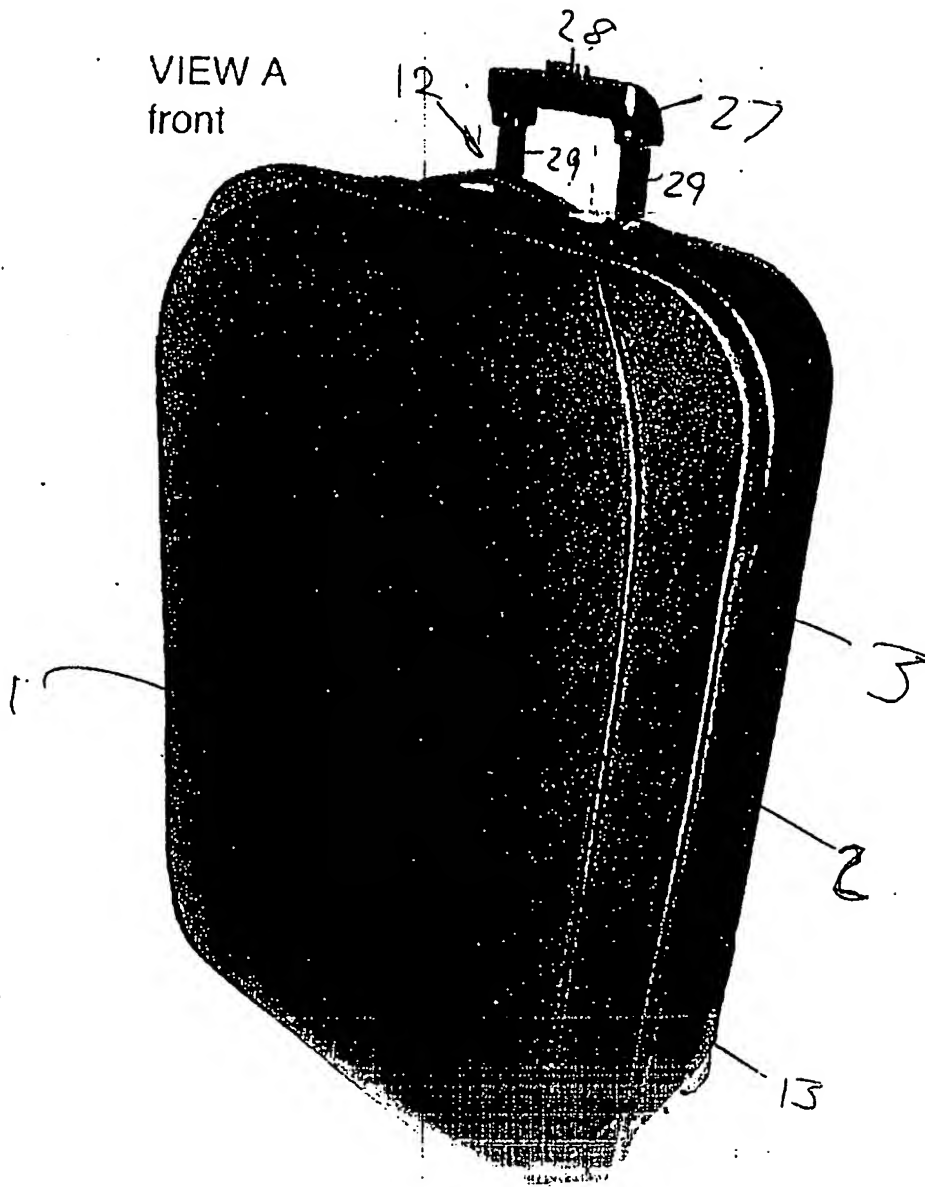
15 This hinging region for the case is located at one of the ends of the case and comprises a strip of suitable plastics/fabric material 25. One end 26 of the material is located between the foot 24 and the material of the base section the other end (not shown) is connected internally with the lid section. The overall as will be noted the material 25 bridges the Zip fastener arrangement 3. If desired
20 the overall length of the hinge forming material can at least partially accommodate the volume expansion facility. If desired other modes of hinging could be adopted..

bottom section, the elements being secured by screws/bolts or the like 33 to the moulded base section. It will be appreciated that the provision of the towing handle facility additionally provides additional length ways strength to the overall case construction.

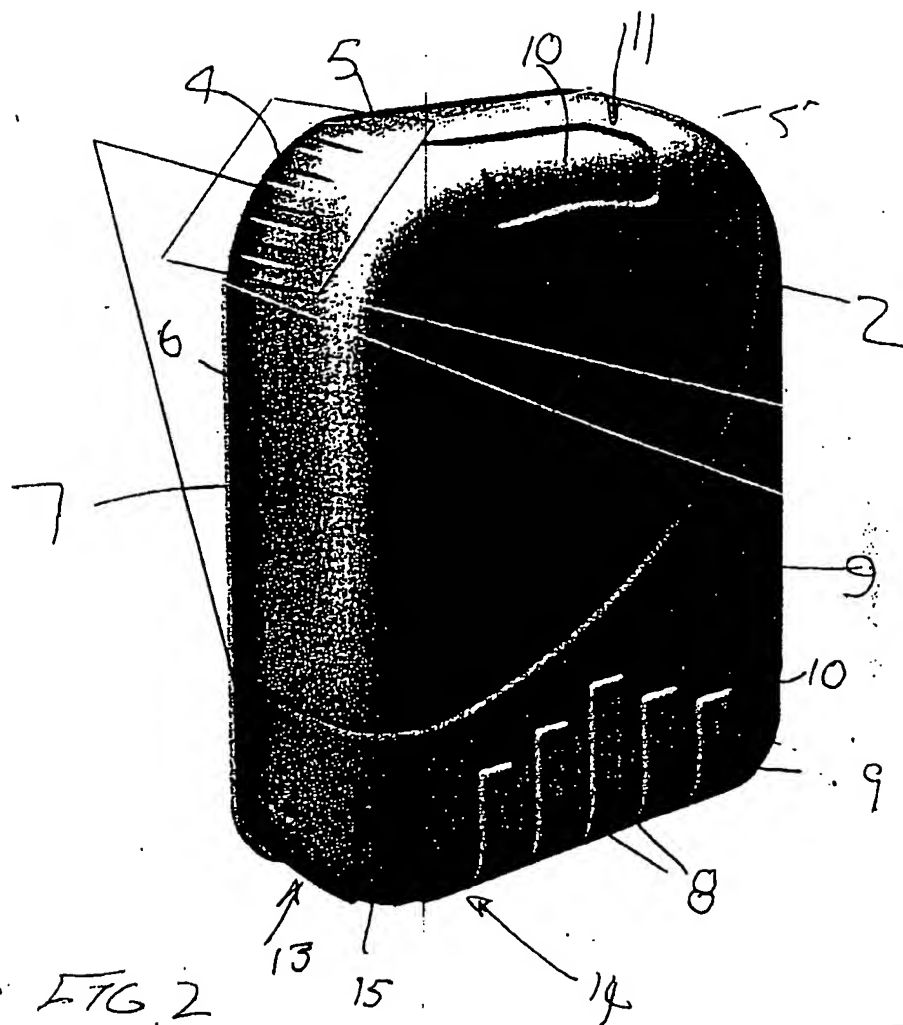
- 5 Conveniently, an internal plastics support 34 is provided for the a handle (not shown in the Figures) for the case. This handle as indicated is at the end of the case remote from the wheels to facilitate the handling of the case when upright. A further handle (not shown) can be conveniently provided at a longer side of the case base section. The mounting of this handle would conveniently incorporate a
- 10 suitable support. Similarly an internal support 35 can be provided between the bracket 32 and the material of the base section

1/5

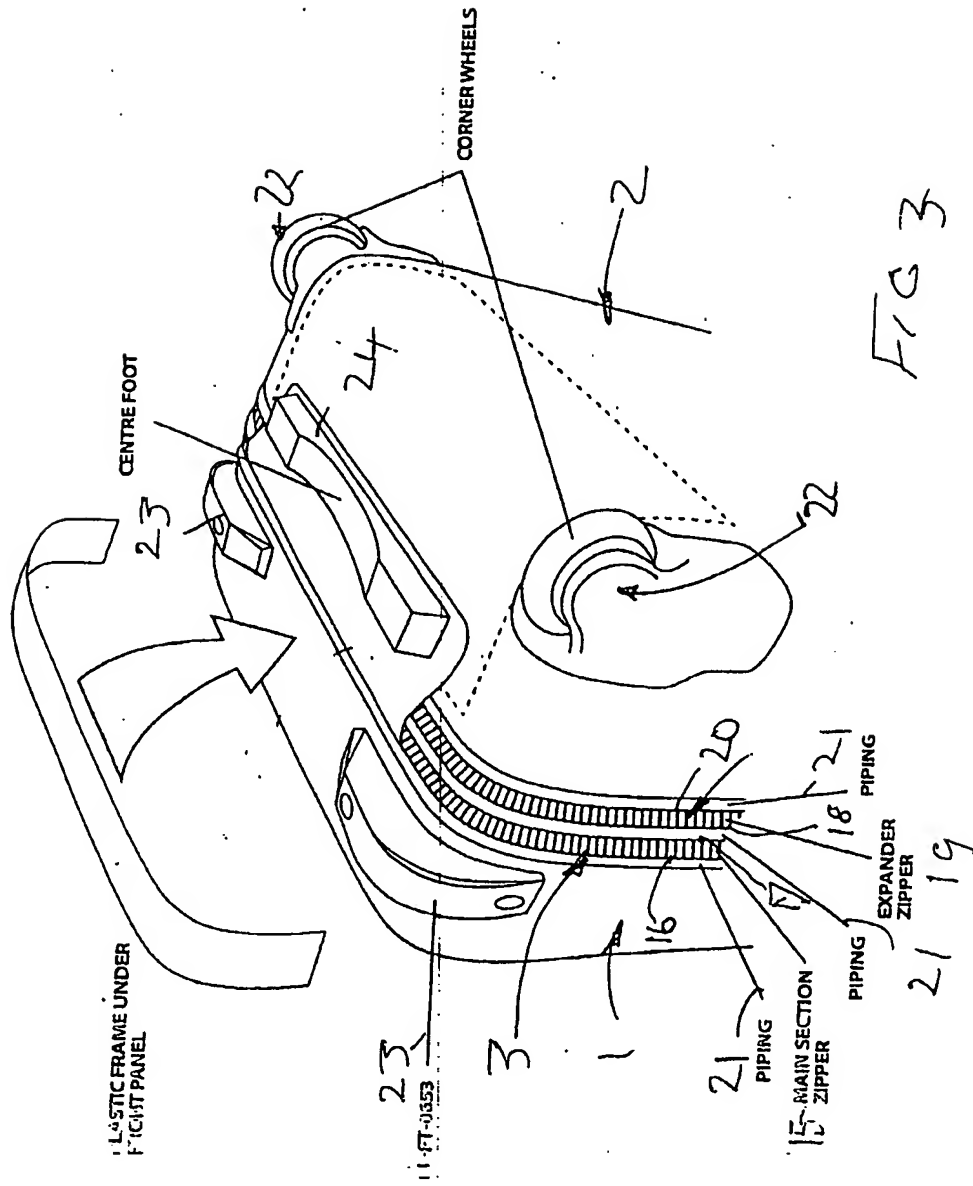
VIEW A
front



2/5

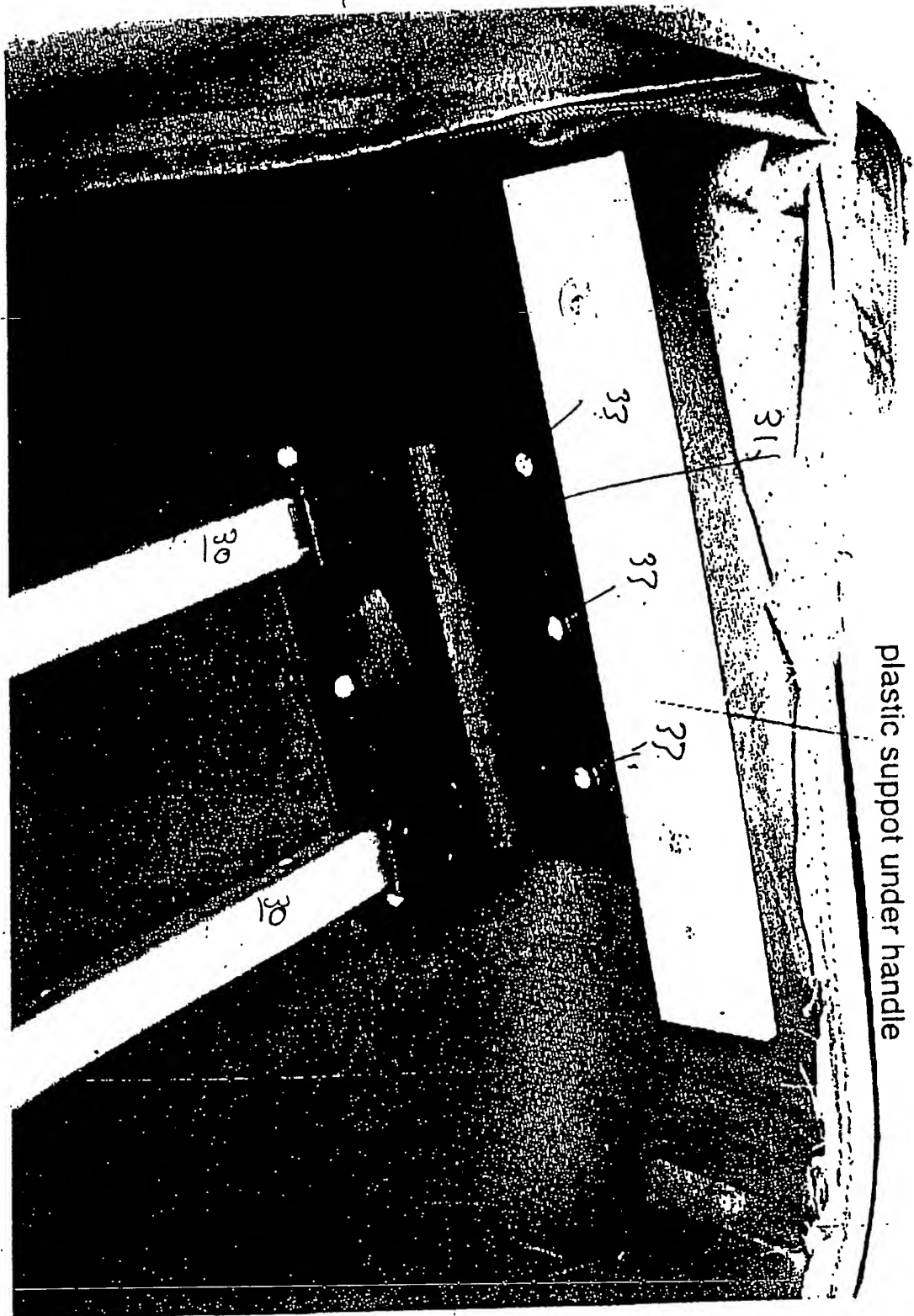


7/5



4/5

FIG 4



VIEW I
plastic support under handle

5/5

FIG 5

